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PATENT *amr*

POCKET NO. : CORN-0002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Application of:
Douglas W. Hall and Mark A. Newhouse

U.S. Patent No.: 5,131,069

Issued: July 14, 1992

Serial No.: 09/105,572

Group Art Unit: 2874

Filing Date: June 26, 1998

Examiner: Hung N.Ngo

For: "Fiber Amplifier Having Modified Gain Spectrum"

Assistant Commissioner for Patents
Washington DC 20231

Sir:

**SUPPLEMENTAL COMBINED REISSUE APPLICATION DECLARATION AND
POWER OF ATTORNEY BY INVENTOR(S) OR ASSIGNEE**

(Complete A or B)

A. ☒ Declaration by Inventor(s):

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to each of our names; and

We verily believe that we are the original, first and joint inventors of the subject matter that is claimed in the above identified application for the reissue of U.S. Patent 5,131,069 granted on July 14, 1992, and as amended in the Preliminary Amendment filed June 26, 1998 and the Amendment filed herewith and for which invention we solicit a reissue patent;

B. ☐ Declaration by Assignee:

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims as amended.

We acknowledge the duty to disclose all information known to be material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT
37 C.F.R. §1.175**

That we believe the original patent to be

- ☒ partly
☐ wholly

inoperative or invalid by reason of

- ☐ a defective ☐ specification, ☐ drawing, ☐ both
☒ said patent claiming
 ☒ more
 ☐ less

than patentee had a right to claim.

The scope of the claims of the original patent

- ☐ are enlarged
☒ are not enlarged

by this reissue application.*

Errors:

[1] It was error without deceptive intent to permit U.S. Patent 5,131,069 to issue without having claims specifically directed to an amplifier structure having only one single-mode core.

*35 U.S.C. §251 forbids enlarging the scope of the original claims unless the reissue application is filed within two years of the grant of the original patent.

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[2] It was error without deceptive intent to permit U.S. Patent No. 5,131,069 to issue without having claims specifically directed to a fiber amplifier having a flattened gain spectrum.

All errors being corrected in this reissue application up to and including the time of filing of this declaration under 35 CFR §1.175(a) arose without any deceptive intention on the part of the applicant.

OFFER TO SURRENDER ORIGINAL PATENT 37 C.F.R. §1.178

Applicant hereby offers to surrender the original patent, the reissue of which is sought herein.

POWER OF ATTORNEY

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **Alfred L. Michaelsen, Registration No. 24,511** of Corning Incorporated, Patent Department, SP FR 02-12, Corning, New York 14831.

and **Richard E. Kurtz and Jonathan M. Waldman, Registration Nos. 19,263 and 40,861** of the firm of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103.

☐ Attached as part of this declaration and power of attorney is the authorization of the above named attorney(s) to accept and follow instructions from my representative.

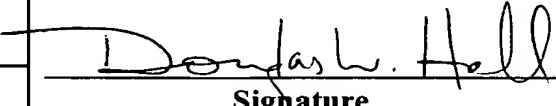
Address all telephone calls and correspondence to:


Richard E. Kurtz
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Telephone No. **215-568-3100**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Name: Mark A. Newhouse	 Signature Date of Signature: <u>9/5/01</u> Citizenship: <u>United States of America</u>
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